



State of Florida
Department of Children and Families

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Office of Inspector General

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OIG Investigation

2010 – 0036

November 10, 2010

Dawn E. Case
Inspector General

Keith R. Parks
Chief of Investigations

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Advance Personal and Family Recovery



DEPARTMENT OF CHILDREN AND FAMILIES

OFFICE OF INSPECTOR GENERAL

George H. Sheldon
Secretary

Investigative Report
Case Number: 2010-0036



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Inspector General

INTRODUCTION

Section 409.1671, Florida Statutes, directs the Department of Children and Families (Department) to outsource the provision of family services by contracting with qualified organizations for an integrated system of Community-Based Care (CBC). Through Department Contract #GJ160, between the Department and Family Services of Metro Orlando (FSMO), covering the period of July 1, 2008 through December 31, 2010, FSMO serves as the lead CBC agency in Circuit 9's area of responsibility (Orange and Osceola Counties). Through FSMO Contract #CM1001, covering the period of October 1, 2009 through December 31, 2010, Children's Home Society, Inc. (CHS) is subcontracted to deliver child welfare services to clients in Orange and Osceola Counties.

CHS Director of Program Operations Christine Connell reported to the Office of Inspector General (OIG) that on March 19, 2010, she received information from FSMO Senior Director of Permanency and Operations Sharon Graham, which indicated that earlier that same day, she (Ms. Graham) learned that during a Judicial Review hearing the previous day (March 18, 2010), eighteen-year-old [REDACTED] (Child 1), disclosed that he was not receiving a sufficient amount of food at the Sunnyside Village Group Home (the Group Home) where he (Child 1) resided. According to the information provided by Ms. Graham, Child 1's Dependency Case Manager (DCM), Shatina Underwood, was present during the hearing, as well as DCM Victor Velez, who was also present in the courtroom waiting for his own hearing in a separate, unrelated dependency case. According to Ms. Graham, following the hearing, Mr. Velez acknowledged that he witnessed a similar incident (involving a different child) at the Group Home (unknown date). Ms. Connell stated that based on the information reported by Ms. Graham, she immediately contacted Dependency Case Manager Supervisor (DCMS) Lorraine Bowe (Ms. Underwood's and Mr. Velez's direct supervisor) to ensure that a child abuse report was made to the Florida Abuse Hotline¹ (Hotline) regarding Child 1's disclosure (March 18, 2010); however, Ms. Bowe advised that a report had not been made.

According to Ms. Connell, Ms. Bowe further advised that on March 11, 2010, while Mr. Velez was conducting a face-to-face home visit at the Group Home, he witnessed seventeen-year-old [REDACTED] (Child 2) receiving what he (Mr. Velez) believed to be an insufficient amount of food. Ms. Connell related that according to Ms. Bowe, Mr. Velez sought her (Ms. Bowe's) guidance on whether or not a child abuse report should be made to the Hotline, at which time (March 12, 2010) they (Ms. Bowe and Mr. Velez)

¹ The Florida Abuse Hotline serves as the central intake and referral point for all reports of suspected abuse, neglect, or exploitation of children, disabled adults, and the elderly.

sought further guidance from former² CHS Dependency Program Director Sandra Dore (Ms. Bowe's direct supervisor). Ms. Bowe reported that upon relaying their concerns to Ms. Dore, they (Ms. Bowe and Mr. Velez) were instructed not to make a child abuse report to Hotline. Ms. Connell stated that according to Ms. Bowe, Ms. Dore indicated that because similar allegations regarding the Group Home were reported in the past (unknown date) to the Hotline and nothing was done, they (Ms. Bowe and Mr. Velez) did not need to make a child abuse report to the Hotline. Ms. Connell stated that Ms. Bowe indicated that based on Ms. Dore's instruction, they (Ms. Bowe and Mr. Velez) did not make a child abuse report to the Hotline on March 12, 2010. Ms. Connell stated that she immediately instructed Ms. Bowe to ensure that a child abuse report was made to the Hotline regarding Child 1's disclosure during the March 18, 2010 Judicial Review hearing and Mr. Velez's concerns regarding Child 2's disclosure during the March 11, 2010 home visit.³

Based on the information provided by Ms. Connell, the OIG initiated an investigation on April 9, 2010.

ALLEGATIONS AND FINDINGS

Allegation 1

CHS Dependency Case Manager Supervisor Lorraine Bowe and CHS Dependency Case Manager Shatina Underwood failed to make a mandatory child abuse report to the Hotline. If supported, the allegation would constitute a violation of Section 1.C.1. and K.1., Section B.1.a(2) of Attachment 1 of Contract #GJ160 between the Department and Family Services of Metro Orlando (FSMO); Section 2.1 and 2.11 of Article II of Contract #CM1001 between FSMO and Children's Home Society, Inc.; Section Organization Philosophy, Code of Ethics, and Section 35., 36., and 37. of Rules of Conduct of the Children's Home Society, Inc. Employee Handbook; and a potential violation of § 39.201(2)(a), F.S.

Findings

The information obtained **does not support** the allegation.

Testimony of CHS DCM Supervisor Lorraine Bowe

Ms. Bowe stated that on March 18, 2010, during an unrelated conversation regarding Child 1, CHS DCM Shatina Underwood reported that during a Judicial Review hearing earlier that same day, Child 1 disclosed that the food he was receiving from the Group Home was not sufficient. According to Ms. Bowe, Ms. Underwood indicated that Child 1 stated that the Group Home provided three meals a day; however, some days the food was good and other days the food was bad, and that often times, he was not provided lunch money for school, which resulted in him (Child 1) not eating lunch. Ms. Bowe

² Effective May 10, 2010, Ms. Dore was no longer employed by CHS.

³ According to the OIG Investigator's review of FSFN, the Hotline received two reports on March 19, 2010 (FSFN Intake IDs #2010-050994 and #2010-051479) and a report on March 20, 2010 (FSFN Intake ID #2010-051945). On March 26, 2010, FSFN Intake IDs #2010-050994 and #2010-051945 were closed and combined under FSFN Intake ID #2010-051479. On April 22, 2010, FSFN Intake ID #2010-051479 was closed with "No Indicator" findings of "Environmental Hazards."

indicated that based on the information provided by Ms. Underwood, she (Ms. Bowe) had no concern that Child 1 was not receiving food by the Group Home, but that Child 1 was unhappy with the type of food the Group Home was providing because Ms. Underwood reported that Child 1 stated in court that he was provided three meals a day, but that he (Child 1) was opting not to eat the food. Ms. Bowe stated that based on the totality of the information provided by Ms. Underwood, she did not feel that a child abuse report was necessary either by herself or Ms. Underwood.

Testimony of CHS DCM Shatina Underwood

Ms. Underwood stated that on March 18, 2010, during a Judicial Review hearing, Child 1 disclosed that the food provided by the Group Home was not adequate for the residents. According to Ms. Underwood, Child 1 stated that the Group Home provided three meals a day; however, some days the food was good and other days the food was bad, and that often times, he was not provided lunch money for school, which resulted in him (Child 1) not eating lunch. Ms. Underwood related that Child 1 further indicated that he and the other Group Home residents were not provided enough food and the food was poorly prepared. Ms. Underwood explained that Circuit Judge Jenifer Davis (Ninth Judicial Circuit, in and for Osceola County) directed her (Ms. Underwood) to ensure that the Group Home was providing Child 1 with lunch on a daily basis; however, Judge Davis did not provide any further direction. Ms. Underwood stated that after the Judicial Review hearing, she transported Child 1 to the Group Home and spoke to a staff member (unidentified) who reported that Child 1 was responsible for signing for lunch money (\$3.00) on a daily basis; however, according to Ms. Underwood, Child 1 stated that he was not aware that he was supposed to sign out for lunch money prior to attending school. Ms. Underwood indicated that on March 18, 2010, she advised Ms. Bowe about Child 1's disclosure and was advised by Ms. Bowe that the Group Home received similar allegations in the past (unknown dates); however, according to Ms. Underwood, Ms. Bowe did not elaborate any further on the matter. Ms. Underwood stated that Ms. Bowe did not instruct her to make a child abuse report to the Hotline, nor did she (Ms. Underwood) feel that a child abuse report was necessary based on the fact that Child 1 confirmed he was receiving three meals a day, but was unhappy with the type of food. Ms. Underwood reported that she had no concern that the Group Home was neglecting to feed Child 1 or any other child.

Allegation 2

CHS Dependency Program Director Sandra Dore instructed CHS employees not to make a mandatory child abuse report to the Hotline. If supported, the allegation would constitute a violation of Section 1.C.1. and K.1., Section B.1.a(2) of Attachment 1 of Contract #GJ160 between the Department and Family Services of Metro Orlando (FSMO); Section 2.1 and 2.11 of Article II of Contract #CM1001 between FSMO and Children's Home Society, Inc.; Section Organization Philosophy, Code of Ethics, and Section 35., 36., and 37. of Rules of Conduct of the Children's Home Society, Inc. Employee Handbook; and a potential violation of § 39.201(2)(a), F.S.

Findings

The information obtained **does not support** the allegation.

Testimony of CHS DCM Supervisor Lorraine Bowe

Ms. Bowe stated that on March 11, 2010, Mr. Velez reported to her that earlier that same day, during a face-to-face home visit with Child 2 at the Group Home, he observed Child 2's dinner consisting of a small portion of beans, two slices of deli ham, and French fries. Ms. Bowe related that according to Mr. Velez, due to Child 2's religious beliefs, Child 2 was not allowed to eat the ham and the Group Home was aware of this. Ms. Bowe indicated that Mr. Velez reported that Child 2 expressed that he was hungry and that he (Mr. Velez) was personally concerned that Child 2 may not be receiving a sufficient amount of food from the Group Home. Ms. Bowe stated that based on the fact that Child 2 was being served food, on March 12, 2010, she and Mr. Velez sought further guidance from Ms. Dore as to whether or not a child abuse report to the Hotline was necessary. According to Ms. Bowe, Ms. Dore related that there was no need to make a child abuse report to the Hotline because Child 2 was receiving food from the Group Home. Ms. Bowe stated that Ms. Dore further explained that similar reports were made to the Hotline in the past (unknown date) and nothing was done⁴, therefore, there was no need to make a new report to the Hotline. Ms. Bowe further stated that Ms. Dore instructed Mr. Velez to "keep an eye on [the Group Home] and to continue to check on [his clients] during dinner time."

Testimony of CHS DCM Victor Velez

Mr. Velez stated that on March 11, 2010, during a face-to-face home visit (at the Group Home) with Child 2, Child 2 asked if he (Mr. Velez) could take him (Child 2) out to eat because he was hungry; however, he (Mr. Velez) observed Child 2's dinner consisting of a small portion of beans, two slices of deli ham, and French fries. Mr. Velez further explained that due to Child 2's religious beliefs, Child 2 was not allowed to eat ham and the Group Home was aware of this. Mr. Velez stated that he was unable to take Child 2 out to eat; however, due to his concerns that Child 2 was not receiving a sufficient amount of food from the Group Home, later that same day, he reported his concerns to his direct supervisor, Ms. Bowe. Mr. Velez reported that the following day (March 12, 2010) he and Ms. Bowe sought further guidance from Ms. Dore as to whether or not a child abuse report to the Hotline was necessary. According to Mr. Velez, Ms. Dore stated that there was no need to make a child abuse report to the Hotline because Child 2 was being served food, even though it may be an insufficient amount or just food that Child 2 could not consume because of religious preferences. Mr. Velez further stated that according to Ms. Dore, because similar reports were made to the Hotline (unknown dates) and nothing was done, there was no need to make a new child abuse report to the Hotline. According to Mr. Velez, Ms. Dore instructed him (Mr. Velez) to "keep an eye on [the Group Home] and to continue to check on [his clients] during dinner time."

⁴ According to the OIG Investigator's review of FSFN, the Hotline received a report on October 15, 2009 (FSFN Intake ID #2009-168513) and on October 18, 2009 (FSFN Intake ID #2009-169508) regarding similar allegations; however, both were closed with "No Indicator" findings of "Environmental Hazards."

Testimony of CHS Executive Director Tara Hormell

Ms. Hormell stated that during a meeting sometime in April 2010 (unknown date), Ms. Dore reported that on March 12, 2010, Ms. Bowe and Mr. Velez relayed concerns that Child 2 was not receiving a sufficient amount of food from the Group Home. According to Ms. Hormell, Ms. Dore indicated that she advised Ms. Bowe and Mr. Velez that there was no point in calling in a child abuse report to the Hotline because similar child abuse reports were made to the Hotline and nothing changed within the Group Home. According to Ms. Hormell, Ms. Dore stated that given the same circumstances, she would have handled the situation the same exact way.

Testimony of CHS Director of Program Operations Christine Connell

Ms. Connell explained that upon learning of Child 1 and Child 2's allegations that they were not being adequately fed by the Group Home, she immediately instructed Ms. Bowe (Ms. Dore was on annual leave) to make reports to the Hotline concerning both Child 1 and Child 2's allegations. According to Ms. Connell, the Hotline accepted the reports for investigation (FSFN Intake ID #2010-051479).

According to a review of FSFN records by the OIG Investigator, the following pertinent information was disclosed:

On March 19, 2010, the Hotline initiated FSFN Intake IDs #2010-050994 and #2010-051479 and on March 20, 2010, the Hotline initiated FSFN Intake ID #2010-051945. All three reports concerned allegations that Child 1 and Child 2 were not being adequately fed by the Group Home. On March 26, 2010, FSFN Intake IDs #2010-050994 and #2010-051945 were closed and combined under FSFN Intake ID #2010-051479. On April 22, 2010, FSFN Intake ID #2010-051479 was closed with "No Indicator" findings of "Environmental Hazards."

Testimony of CHS Dependency Program Director Sandra Dore

Ms. Dore stated that on March 12, 2010, Ms. Bowe and Mr. Velez reported concerns that Child 2 was not receiving a sufficient amount of food at the Group Home. Ms. Dore opined that based on the information provided by Ms. Bowe and Mr. Velez, as well as the fact that similar allegations had been previously made against the Group Home that were not verified, she (Ms. Dore) did not believe that they (Ms. Bowe and Mr. Velez) had a sufficient amount of information to make a child abuse report to the Hotline. Ms. Dore stated that even though she expressed her opinion to Ms. Bowe and Mr. Velez, she never instructed Ms. Bowe and/or Mr. Velez not to make a mandatory child abuse report to the Hotline. Ms. Dore stated that in retrospect, she should have ensured that a child abuse report was made to the Hotline, regardless of the amount of information available.

Testimony of Florida Abuse Hotline Call Center Manager Nana Gatlin

Ms. Gatlin explained that according to Florida Statutes, any person who has knowledge of or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare is mandated to report such knowledge or suspicion immediately to the Hotline. Ms. Gatlin further stated that a history of prior findings in other child abuse reports, or

lack thereof, do not absolve a mandatory reporter's responsibility to immediately report a new allegation, whether that new allegation has been confirmed or suspected.

Legal Opinion Obtained from the Office of General Counsel

The Office of General Counsel opined that based on the totality of circumstances, Ms. Dore acted appropriately in advising Mr. Velez and Ms. Bowe that a report to the Hotline was not necessary. The Office of General Counsel further opined that a reasonable person, in Ms. Dore's position (experience, knowledge of historical reports, etc.), would be able to assess the facts given by Mr. Velez and Ms. Bowe and make a determination that there was no reason to believe or suspect that Child 2 was not being adequately fed at the Group Home.

ADDITIONAL INFORMATION

It is noted that during the course of the OIG investigation, Ms. Underwood and Mr. Velez testified that prior to making a child abuse report to the Hotline, they are required to seek supervisory approval; however, neither Ms. Underwood nor Mr. Velez were able to recall where or when they received this type of instruction.

Ms. Bowe, Ms. Hormell, and Ms. Dore each testified that there is no such policy and that all employees are encouraged to make child abuse reports to the Hotline when they feel that it is necessary. Ms. Dore further indicated that employees are only instructed to notify her that a child abuse report has been made so that she is aware of that fact.

INSPECTOR GENERAL'S COMMENTS

Based on witness testimony and records reviewed, the allegation that CHS Dependency Case Manager Supervisor Lorryne Bowe and CHS Dependency Case Manager Shatina Underwood failed to make a mandatory child abuse report to the Hotline is **not supported**. According to § 39.201, F.S., a report shall be immediately reported to the Hotline when a person "has reasonable cause to suspect that a child is abused, abandoned, or neglected" by a person responsible for the child's welfare. Ms. Bowe and Ms. Underwood provided testimony that based on information provided by Child 1, they (Ms. Bowe and Ms. Underwood) did not have any reason to suspect that Child 1 was being neglected by the Group Home, therefore, they (Ms. Bowe and Ms. Underwood) did not make a mandatory child abuse report to the Hotline.

Based on witness testimony and records reviewed, the allegation that CHS Dependency Program Director Sandra Dore instructed CHS employees not to make a mandatory child abuse report to the Hotline is **not supported**. Although Children's Home Society believed that a report was necessary, legal opinion obtained from the Office of General Counsel indicated that Ms. Dore, based on the totality of circumstances, acted appropriately in advising Mr. Velez and Ms. Bowe that a report to the Hotline was not necessary.

It is recommended that the Central Regional Director review the Additional Information section of this report and coordinate with Children's Home Society, Inc. to ensure that all staff members are aware of mandatory child abuse reporting policies, which include unrestricted ability to make reports to the Hotline without supervisory approval.

In compliance with §20.055(6)(e), F.S., a copy of this report was provided to Ms. Bowe, Ms. Underwood, and Ms. Dore on July 6, 2010. No response was received from Ms. Bowe, Ms. Underwood, or Ms. Dore. Based on a legal review by the Office of General Counsel on September 30, 2010, the findings of Allegation 2 were revised to reflect a not support. As a result, the revised draft report was again provided to Ms. Bowe, Ms. Underwood, and Ms. Dore on October 4, 2010. No response was received from Ms. Bowe or Ms. Underwood. Ms. Dore submitted a letter, dated October 8, 2010, which contained the statement, "The present is to let you know that I do not wish to comment on the investigative findings."

REDACTED

This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.